



# CALIFORNIA DEPARTMENT OF TRANSPORTATION



## Construction Manual Supplement

### For Local Agency Resident Engineers

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## Purpose

Caltrans does not advertise, award, or administer all the construction projects on the state highway system since local agencies take on this function many times. When a local agency or a private entity constructs a project on the state highway system, special requirements are imposed either by law or by agreement. For larger construction projects, local agencies and private entities must enter into one of two forms of agreement, either a “cooperative agreement” for local agencies or a “highway improvement agreement” for private entities. As part of each agreement, the local agency or private entity agrees that when state and federal funding are involved, the contract administration procedures used on the project must conform to the requirements in the Construction Manual, the Bridge Construction Records and Procedures Manual, and the Local Assistance Procedures Manual.

In addition to the requirements of the cooperative agreement, the project-specific encroachment permit and the Construction Manual identify conditions and requirements the local agency must meet when administering the project.

The Construction Manual establishes policies and procedures for personnel engaged in contract administration. However, not all policies and procedures in the Construction Manual are applicable to local agencies or private entities when advertising, awarding, and administering projects. This supplement establishes which sections of the Construction Manual are applicable to local agency and private entity projects.

The Local Assistance Procedure Manual, prepared by the California Department of Transportation, Division of Local Assistance, describes procedures required to process federal and state funded local transportation projects in addition to the requirements of the Construction Manual.

The Local Agency Structure Representative Guideline is also available to assist local agencies and private entities when the project includes structures and the Bridge Construction Records and Procedures Manual applies.

## Scope and Outline

This supplement follows the same framework as the *Construction Manual*. The supplement outlines how each chapter and section applies to local agency administered projects on the state highway system. Unless stated otherwise, the requirements of the *Construction Manual* apply with the local agency acting in the capacity of Caltrans.

## Definitions

**Cooperative agreement**—A formal, legally binding contract between Caltrans and a local agency. Cooperative agreements outline responsibilities and respective obligations, including cost sharing, of the participants and may address more than just the project construction. Cooperative agreements and maintenance or ownership obligations are required when exchanges of funds or commitments of resources occur. The structure representative should obtain a copy of the cooperative agreement from the local agency's project manager or the resident engineer.

**Encroachment permit**—A permit issued by Caltrans granting permissive authority to enter the state right-of-way and construct approved facilities. An encroachment permit is an enforceable contract when accepted by the permittee. Acceptance of all terms of the encroachment permit are acknowledged when any act or work specified under the permit is performed. An encroachment permit does not convey a real property right. It authorizes only the permittee or permittee's agent to perform work within the state right-of-way. The permittee may not transfer or assign an encroachment permit to another party. The local agency and the contractor performing the work require dual permitting. The structure representative obtains copies of encroachment permits from the local agency project manager or the resident engineer.

**Federal-aid project**—A project funded in whole or in part by Federal Highway Administration (FHWA) funds.

**Highway improvement agreement**—A formal, legally binding contract between Caltrans and a private entity.

**Independent quality assurance**—Activities performed by Caltrans at a project level to ensure that the implementing agency's quality-assurance activities result in projects being developed in accordance with Caltrans standards, policies, and practices and the quality-control plan provided by the project sponsor.

**Implementing agency**—The entity charged with the successful completion of each project component, as defined in Government Code Section 14529(b):

- Project initiation document.
- Completion of all permits and environmental studies.
- Preparation of plans, specifications, and estimates.
- The acquisition of right-of-ways, including, but not limited to, support activities.
- Construction, construction management, and engineering including surveys and inspection.





There could be a different implementing agency for each component of a project. To ensure clear lines of responsibility, only one agency can be the implementing agency for a single component.

The implementing agency should not be confused with lead agency, as defined under the California Environmental Quality Act and the National Environmental Policy Act.

**Local agency**—Any public entity such as a federal, state, or regional transportation planning agency, county, city, or other local government unit that sponsors or administers a construction contract on the state highway system. In addition, a private entity that sponsors or administers construction contracts on the state highway system, unless otherwise noted, is considered a local agency for the purpose of this guideline.

**Oversight engineer**—A Caltrans employee who performs independent quality assurance of the activities being performed by the resident engineer, the local agency structure representative, and others assigned to a construction project. The oversight engineer is the local agency's primary Caltrans contact. The oversight engineer assures compliance with applicable state and federal regulations, contract requirements, Caltrans standards and practices, encroachment permit, and cooperative-agreement requirements. For federal-aid projects, the oversight engineer performs independent quality assurance of the quality-assurance work performed by the local agency for the entire project. For non-federal-aid projects, the oversight engineer performs independent quality assurance on only the portion of the project within the existing or future state right-of-way.

**Oversight project**—Any project within the existing or future state right-of-way financed, in whole or in part, and administered by a local agency.

- Projects sponsored by a local agency or private entity with a construction cost less than \$3 million are constructed under the terms of an encroachment permit. Projects such as those involving signal construction, landscaping, or sound walls, may also require a cooperative or highway improvement agreement.
- Projects sponsored by a local agency with an estimated construction cost of \$3 million or more are constructed under the terms of a cooperative agreement and the encroachment permit.
- Projects sponsored by private entities with an estimated construction cost of \$3 million or more are constructed under the terms of a highway improvement agreement and the encroachment permit.

**Project sponsor**—An entity that secures funding for projects and serves as the project advocate. The sponsor chooses an implementing agency and is the customer of the implementing agency. The project sponsor and implementing agency can be the same.

**Quality assurance**—Activities performed within the implementing agency during the project-delivery process that provide the confidence that the project team is fulfilling established project requirements and expectations.

For purposes of this guideline, quality assurance includes activities performed by the implementing agency to verify that the construction contractor is fulfilling all quality control responsibilities. Quality assurance provides confidence that the materials and workmanship meet requirements established in the construction contract.

**Quality control**—Operational processes, practices, and activities performed at the project-team level during the project delivery process to ensure that the product meets the project's purpose and need and fulfills established quality requirements.

For purposes of this guideline, quality control includes the inspections, testing, and documentation by the construction contractor and subcontractors, demonstrating that materials and workmanship meet requirements established in the construction contract.

**Resident engineer**—A local agency employee (or a consultant hired by a local agency) responsible for contract administration and construction engineering of a project as described within the *Construction Manual*. The resident engineer performs quality assurance of the contractor's work and performs the necessary administrative tasks to administer the contract.

**Structure oversight engineer**—An employee of Caltrans Office of Structures Construction who assists the oversight engineer in performing oversight over the local agency structure representative's activities relative to structure portions of a project.

**Structure representative**—A local agency employee (or a consultant hired by a local agency) that performs quality assurance over the contractor's work that involves structures and who performs the contract's necessary structure-related administrative tasks.



## Section 1-1 Construction Organization

The local agency must provide qualified construction management staff at the level required to perform all duties outlined in Section 1-105, “Construction Project Organization,” of the *Construction Manual*.

## Section 1-2 Public Relations

### 1-201 General

The local agency develops public relations procedures for each element outlined in Section 2, “Public Relations,” of the *Construction Manual*. The local agency informs the oversight engineer of the public relations procedures and regularly updates the oversight engineer on public relation activities.

### 1-202 Relations with Caltrans Personnel

The local agency main point of contact with Caltrans is the state representative, the oversight engineer.

## Section 1-3 Personnel Development

The local agency is responsible for the personnel development of its employees and consultants; thus, this section of the *Construction Manual* is not applicable. The oversight engineer’s approval of the assignment of local agency personnel to a project is usually a requirement of the cooperative agreement. Early consultation with Caltrans, before local agency and consultant staff assignments, is recommended.

## Section 1-4 Facilities and Equipment

The local agency is responsible for providing and maintaining its own facilities, transportation equipment, consumable supplies, and equipment; thus, this section of the *Construction Manual* is not applicable. State facilities or equipment are not provided to the local agency unless specifically stated in the cooperative agreement or the encroachment permit. See the “General Provisions” requirements attached to the encroachment permit.

## Section 1-5 Field Expenses and Purchases

This section of the *Construction Manual* is not applicable. The local agency is responsible for the travel expenses, transportation, and miscellaneous purchases of their employees and consultants.

### Section 2-1 Safety

The local agency must comply with federal and state occupational safety and health standards, and must perform the duties outlined in Section 2-1, “Safety,” of the *Construction Manual*.

The local agency investigates all accidents of non-Caltrans employees and reports them in writing to the oversight engineer as outlined in Section 2-106, “Accident Reports and Investigations,” of the *Construction Manual*, preferably using the appropriate Caltrans forms. If an alternate written reporting format is elected by the local agency, all information designated by the Caltrans form must be included in the local agency report. The resident engineer must also comply with additional safety reporting and procedures established by the local agency.

### Section 2-2 Traffic

Local agency construction management staff must follow the policies and procedures of this Section 2-2, “Traffic,” and the *California Manual on Uniform Traffic Control Devices*.

Local agency use of the Caltrans Construction Zone Enhanced Enforcement Program (COZEEP) may be included in the cooperative agreement or encroachment permit. If there is no provision for COZEEP, the local agency may enter into its own separate agreement with the California Highway Patrol. The procedures outlined in Section 2-215, “COZEEP,” of the *Construction Manual* may be helpful to establish and administer this separate COZEEP agreement with the California Highway Patrol, but they are not required.

All closures on state facilities require notification to the oversight engineer and District Transportation Management Center. The encroachment permit’s general provisions require 7 to 14 days’ advance notice before initiating a shoulder, ramp, or freeway closure, or any activity that may cause a traffic delay. Also in effect are the notification requirements of the *Construction Manual* and the contract.

### Section 2-3 Major Construction Incidents

The local agency is responsible for addressing, mitigating, indemnifying, and reporting accidents and major incidents. The resident engineer must provide the information on Form CEM-0603, “Major Construction Incident Notification,” to the oversight engineer within the specified time. The oversight engineer designates in advance, normally as part of the project preconstruction meeting, the person that the local agency must contact if a major construction incident occurs within the project limits.

### Introduction

The local agency administers the construction contract in accordance with and fully enforces the provisions of Caltrans' *Standard Specifications* and the *Construction Manual* as outlined herein, as stated in the encroachment permit, and as written in the cooperative agreement. This applies even if the local agency construction contract uses other general provisions.

### Section 3-1 Definitions and Terms

Unless specifically changed in the local agency's special provisions, the abbreviations and terms in Caltrans' *Standard Specifications* govern the work and contract administration.

### Section 3-2 Proposal Requirements and Conditions

When the local agency advertises the project, the local agency will follow its own contract advertising requirements. This section of the *Construction Manual* is not applicable. For federal-aid projects, local agencies must follow the advertising procedures designated by Section 15.4, "Project Advertisement," of the *Local Assistance Procedures Manual*.

### Section 3-3 Award and Execution of Contract

Local agency requirements will be implemented on projects administered by the local agency and this section of the *Construction Manual* will not apply. For federal-aid projects, the local agency must also follow the award procedures in Chapter 15, "Advertise and Award Project," of the *Local Assistance Procedures Manual*.

### Section 3-4 Scope of Work

#### 3-401 Intent of Plans and Specifications

The local agency must ensure that project construction is in accordance with the plans and specifications accepted by Caltrans. The resident engineer must discuss design and specification changes with the oversight engineer before implementing the desired changes.

#### 3-402 Final Cleaning Up

The resident engineer must follow the requirements in this section when administering the construction contract.

The local agency ensures the removal and disposal of all concrete, asphalt, rock, trash, scraps, brush, timber, materials, and other non-contract required materials, from the right-of-way in accordance with the encroachment permit. This work and other requirements of this section must be completed before Caltrans will accept the project.

### **3-403 Changes**

On a local agency administered project, the resident engineer uses the local agency's contract change order process and contract stipulations. The general provisions of all encroachment permits do not allow any changes to plans, specifications, and permit provisions without prior approval from the oversight engineer. The cooperative agreement and encroachment permit will outline the Caltrans approval requirements for contract change orders that the resident engineer must follow. The resident engineer will review the cooperative agreement closely and comply with any special requirements to obtain approvals and concurrences by the oversight engineer before execution of any contract change order.

Local agencies administer their construction contracts under different parts of the Public Contract Code and therefore are allowed greater leeway to make scope changes to their construction contracts. A local agency scope change still requires prior approval from the oversight engineer and the FHWA engineer on federal-aid projects, as outlined in Section 5-308, "Federal Highway Administration Contract Change Order Requirements," of the *Construction Manual*.

### **3-404 Construction-Evaluated Research**

The resident engineer must follow the procedures in this section of the *Construction Manual* if the contract includes evaluation of products. The forms and evaluations must be submitted through the oversight engineer. If products are added by contract change order, prior approval by the oversight engineer is required. An experimental work plan must then be prepared by the resident engineer and approved by FHWA if federal funds are used on the project. The use of proprietary and sole source items require advance approval by the oversight engineer and by FHWA when federal funds are involved.

### **3-405 Detours**

The resident engineer follows the procedures for detours in this section of the *Construction Manual*. The local agency makes all arrangements for use, repair, and traffic mitigation when local streets are used for detours. If a contract change order requires the use of local streets and roads, the resident engineer must obtain, verify, and document that authorization has been obtained from the agency controlling the local streets and roads used by the detour. This authorization must be provided before requesting the oversight engineer's concurrence with the contract change order.

### **3-406 Use of the Materials Found on the Work**

The contractor may not use material found inside or outside the planned slope and grade lines without first receiving written approval from the oversight engineer.



## **Section 3-5 Control of Work**

### **3-501 General**

The resident engineer must follow the procedures outlined in the Caltrans *Standard Specifications* and in this section of the *Construction Manual*.

### **3-502 Authority of Engineer**

When the local agency advertises, awards, and administers the project, the construction contract general provisions must modify Section 5-1.01, “Authority of Engineer,” of the *Standard Specifications* to redefine the chief engineer and resident engineer to the appropriate local agency officials, employees, or agents. The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. The resident engineer must submit Form CEM-0101, “Resident Engineers Report of Assignment,” to the oversight engineer and the district Traffic Management Centers. A copy of this form can be obtained from the oversight engineer or from the Caltrans website:

<http://www.dot.ca.gov/hq/construc/forms.htm>

### **3-503 Plans and Working Drawings**

When the contract requires the submittal of plans and working drawings to the engineer for approval, the resident engineer coordinates with the oversight engineer and structure oversight engineer using Caltrans procedures for the acceptance of plans and working drawings.

### **3-504 Order of Work**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. All contract change orders require concurrence from the oversight engineer since these are changes to the Caltrans accepted plans, specifications, and estimate.

### **3-505 Superintendence**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. The resident engineer must provide the oversight engineer with the name of the contractor’s representative and the routine, emergency, and after hours contact information.

### **3-506 Lines and Grades**

The responsibility for establishing lines and grades is addressed in the cooperative agreement, the construction contract, or both. Chapter 12, “Construction Surveys,” of the Caltrans’ *Survey Manual* must be followed in all cases. If the local agency contracts this responsibility to their construction contractor, quality-control requirements will be addressed in that contract. The local agency is still responsible for quality assurance.

### **3-507 Inspection**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. In cases where judgment is required, the resident engineer should consult with the oversight engineer. All work is subject to oversight engineer monitoring and inspection pursuant to the cooperative agreement, encroachment permit, or both.

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. The oversight engineer's prior written concurrence is required before execution of a contract change order to allow rejected or unauthorized work to remain in place.

### **3-509 Equipment and Plants**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. As part of the independent quality assurance, the project records are checked by the oversight engineer to verify that the required information is on file in the resident engineer's office.

### **3-510 Alternative Equipment**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. The oversight engineer must concur with contract change orders in accordance with the cooperative agreement and the encroachment permit.

### **3-511 Differing Site Conditions**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*, consult with the local agency materials engineering unit, and notify the oversight engineer when a differing site condition is identified. The oversight engineer determines if the district materials unit or the Division of Engineering Services, Office of Geotechnical Services should be consulted if requested by the resident engineer.

### **3-512 Character of Workers**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. Caltrans expects the resident engineer to discharge a worker who engages in any of the mentioned activities towards a Caltrans employee.

### **3-513 Final Inspection**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*.

Upon completion of work, the local agency resident engineer should request a final inspection for acceptance and approval by the oversight engineer in accordance with the encroachment permit. The resident engineer should not accept the contract until the oversight engineer's final acceptance and approval is obtained. The oversight engineer is responsible



for notifying the Caltrans and FHWA personnel who should attend the final inspection review.

A maintenance review and a safety review are conducted at the final inspection by Caltrans. The resident engineer must work closely with the oversight engineer to schedule these final reviews to avoid delay of project acceptance by the local agency and to facilitate timely release of the encroachment permit by Caltrans.

### **3-514 Cost Reduction Incentive**

The Caltrans *Standard Specifications* allow the contractor to submit a cost reduction proposal. The resident engineer uses the contract requirements and *Construction Manual* procedures to evaluate the cost reduction proposal, obtain authorization to implement the cost reduction proposal, and execute the contract change order. The oversight engineer must concur on contract change orders in accordance with the cooperative agreement and the encroachment permit.

Since Caltrans has already accepted the plans, specifications, and cost estimate, the cost reduction proposal is not needed to complete the project as planned. Caltrans engineering costs for review and concurrence of the cost reduction proposal are considered an additional engineering service that requires reimbursement. Caltrans reimbursed costs start after the conceptual proposal meeting with Caltrans and all other stakeholders where it is determined that the cost reduction proposal is a viable option.

## **Section 3-6 Control of Materials**

### **3-601 General**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. The oversight engineer establishes any necessary communication methods between the resident engineer and the Caltrans Materials Engineering and Testing Services (METS) at the preconstruction conference. The cooperative agreement outlines reimbursement for METS services. It is Caltrans policy not to allow any material to be incorporated into the work until the required evidence or certificate of inspection is received and a field inspection is completed at the jobsite.

### **3-602 State-Furnished Materials**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual* and coordinate with the oversight engineer to obtain the state-furnished materials if specified in the cooperative agreement. The cooperative agreement outlines if the local agency must reimburse Caltrans for state-furnished materials.

### **3-603 Defective Materials**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*.



### **3-604 Trade Names and Alternatives**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. The oversight engineer must concur before the contractor furnishes products purported to be of equal or better quality.

### **3-605 Certificates of Compliance**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*.

### **3-606 Out-of-State Fabrication**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. The cooperative agreement and encroachment permit may require the local agency to reimburse the state for METS inspection services.

### **3-607 Local Materials**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. The oversight engineer must concur with changes to mandatory local material sources.

### **3-608 Testing**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. The oversight engineer must concur before the resident engineer may accept out-of-specification material.

### **3-609 Testing by Contractor**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*.

### **3-610 Suspected Fraudulent Tests and Inspection Report**

When fraudulent tests and inspection reports are suspected, immediately discuss the situation with the oversight engineer or the structures oversight engineer.

## **Section 3-7 Legal Relations and Responsibility**

### **3-701 Laws to be Observed**

The resident engineer must comply with the laws and regulations, and follow the procedures outlined in this section of the *Construction Manual*. Communication with Caltrans must be done through the oversight engineer or the structure oversight engineer, as determined at the outset of the project.

### **3-702 Load Limitations**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. The oversight engineer or structure oversight engineer must concur before the resident engineer allows an overload vehicle to operate on the existing or future state highway system.

### **3-703 Safety and Health Provisions**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*.

### **3-704 Public Convenience**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. It is important to note that pursuant to the general conditions of the encroachment permit, the local agency resident engineer is responsible for ensuring minimum interference with the public and public traffic.

The resident engineer must meet with the oversight engineer before the start of construction to discuss and outline which portion(s) of the highway the local agency is responsible for maintaining during construction. As part of the general conditions of the encroachment permit, the local agency (until acceptance of the encroachment permit) must provide inspection and repair, at local agency expense, any damage to state facilities resulting from the encroachment.

### **3-705 Public Safety**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. The resident engineer notifies the oversight engineer not less than 18 days and no more than 90 days before implementing proposed vertical and horizontal clearance change or any proposed bridge permit rating change.

### **3-706 Preservation of Property**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*.

### **3-707 Indemnification and Insurance**

Evidence of insurance is provided to the state before issuance of the encroachment permit. The resident engineer must follow the procedures outlined in this section of the *Construction Manual*, including ensuring that insurance policies do not lapse during execution of the work or before acceptance of the project by the oversight engineer.

### **3-708 Disposal of Materials Outside the Highway Right-of-Way**

The procedures outlined in this section of the *Construction Manual* should be followed with the exception of the model agreement, “Agreement Between a Contractor Working on a State Facility and a Real Property Owner for the Placement of Construction Related Materials Outside of the State Right-of-Way.” Use Example 3-7.1, local agency version, found in this supplement.

### **3-709 Relief from Maintenance and Responsibility**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. Relief of maintenance granted to the contractor by a local agency does not automatically shift maintenance responsibility to Caltrans for the portion or section of work. The local agency must maintain the state facility with their own forces from the time the contractor is released until the time Caltrans accepts the project or releases the encroachment permit. Most cooperative agreements and encroachment permits provide that Caltrans will only accept the fully completed project. An amendment to the cooperative agreement and a rider to the encroachment permit are required if the local agency requests and Caltrans is to accept maintenance responsibility for a portion or section of the project that meets the “Relief from Maintenance and Responsibility” specification requirements.

### **3-710 Acceptance of Contract**

The resident engineer may accept the contract from the contractor at any time. Most cooperative agreements and encroachment permits state that Caltrans will accept the project only upon completion to Caltrans’ satisfaction. The resident engineer should arrange for review by the oversight engineer before acceptance of the contract. A request for Caltrans acceptance of an encroachment permit Form TR-0128, “Notice of Completion Card,” should be completed and submitted to the oversight engineer before accepting the contract and releasing the contractor.

### **3-711 Rights in Land and Improvements**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. Contractor use of airspace parcels must be coordinated through the oversight engineer before occupancy.



### Example 3-7.1

#### **AGREEMENT BETWEEN A CONTRACTOR WORKING ON STATE FACILITIES AND A REAL PROPERTY OWNER FOR THE PLACEMENT OF CONSTRUCTION RELATED MATERIAL OUTSIDE THE STATE RIGHT-OF-WAY (local agency version)**

Contract No.: \_\_\_\_\_

County/Route/Post Mile: \_\_\_\_\_

The contractor, \_\_\_\_\_, (“Contractor”) has entered into Contract No. \_\_\_\_\_ (“Contract”), with (Local Agency), for work that is described as follows:

\_\_\_\_\_  
\_\_\_\_\_ (“Project”).

The owner, \_\_\_\_\_, (“Owner”) of the real property (“Property”) located at \_\_\_\_\_

\_\_\_\_\_ (such as address, location, county and parcel number(s), project station(s), offsets, and other property location information) agrees to allow the placement of approximately \_\_\_\_\_ cubic yards of \_\_\_\_\_ (such as soil, asphalt grindings and other material) (“Material”) that has been generated from the Project on the Owner’s Property by the Contractor.

Owner agrees that the Contractor has assumed ownership of the Material that is being deposited on the Property from the (Local Agency).

Contractor and Owner agree to obtain and furnish to the (Local Agency’s) engineer, all necessary permits, licenses and clearances prior to placing Material on the Property.

By submission of this agreement to the (Local Agency’s) engineer, the Contractor and Owner are acknowledging that they have been informed of all restrictions, laws, and permit requirements associated with the transporting and placement of the Material on the Property and have agreed to abide by the same.

These laws include but are not limited to:

- Local Ordinances—Grading permits for the placement, filling, excavation, storage, or disposal of soil or earthen material.
- California Fish and Game Code (Section 1602), “Lake or Stream Bed Alteration Agreement”—A permit required before the placement of material in a location where it can pass into waters of the state, directly or indirectly, from causes such as erosion or maintenance.



## **Section 3-8 Prosecution and Progress**

### **3-801 Subcontracting**

For FHWA federal-aid projects, the resident engineer must follow the procedures in Section 9.6, “Contract Goal,” and Section 16.6, “Subcontracts,” of the *Local Assistance Procedures Manual*. The resident engineer must assure that contractors are performing at least the minimum amount of work with their own forces as required by the contract.

The local agency is responsible to assure that all subcontractor substitutions and due process subcontractor protest hearings comply with Section 4107 of the Public Contract Code. The *Local Assistance Procedures Manual*, Section 16.6, “Subcontracts,” also applies to subcontracting activities on a federal-aid project.

For other projects, the resident engineer must administer the requirements in the contract and enforce subcontracting laws in accordance with local agency guidelines and procedures.

### **3-802 Beginning of Work**

This section does not apply to the local agency. The resident engineer should use local agency procedures. The resident engineer must notify the oversight engineer of the beginning of the work in accordance with the encroachment permit requirements.

### **3-803 Progress Schedule**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. Electronic copies of the required progress schedules and critical path method schedules and updates must be provided to the oversight engineer.

### **3-804 Temporary Suspension of Work**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. The resident engineer must provide the oversight engineer with a copy of all correspondence notifying the contractor of a temporary suspension or the resumption of work.

### **3-805 Time of Completion**

For FHWA federal-aid projects, the resident engineer must follow the procedures in Section 16.5, “Contract Time,” of the *Local Assistance Procedures Manual*. A local agency must have an established method to account for contract time that contains all of the information designated on Caltrans Form CEM-2701, “Weekly Statement of Working Days.” Form CEM-2701 is in a format acceptable to FHWA and contains a method of tracking, reporting, and analyzing contract time. Use of Form CEM-2701 by a local agency is recommended but not required.

For non-federal-aid projects, the local agency follows its own established rules.

### **3-806 Liquidated Damages**

This section of the *Construction Manual* does not apply. For FHWA federal-aid projects, the resident engineer must administer the liquidated damage provisions of the contract and follow the procedures in Section 12.9, “Required Federal Contract Provisions, Liquidated Damages,” and Section 17.5, “Report of Expenditures, Federal-aid Projects, Change Order Summary, Liquidated Damages,” of the *Local Assistance Procedures Manual* and in Section 5-007, “Federal Highway Administration Involvement in Contract Administration,” of the *Construction Manual*.

For all other projects, the resident engineer must follow local agency procedures.

### **3-807 Termination of Control**

The resident engineer must follow the local agency processes for terminating control of a project. The local agency is responsible for all negotiations and agreements with the contractor and the surety. If the surety hires a different contractor to complete the work, that contractor must obtain an encroachment permit before beginning work.

### **3-808 Right of Way Delays**

The local agency is responsible for right-of-way delays. The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. For FHWA federal-aid projects, the resident engineer must comply with Chapter 16, Section 16.13, “Contract Change Orders,” of the *Local Assistance Procedures Manual* and the FHWA guidelines regarding federal participation on right-of-way delays as identified in Section 8-1.09 of the *Standard Specifications*.

### **3-809 Utility and Non-Highway Facilities**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. The local agency assumes the duties of the Caltrans utility coordinator unless otherwise provided for in the cooperative agreement.

### **3-810 Termination of Contract**

The resident engineer uses local agency procedures for termination of the contract.



## Section 3-9 Measurement and Payment

This section does not apply to the local agency.

For FHWA federal-aid projects, the resident engineer must administer the requirements of the contract and follow the procedures in Section 16.9, “Construction Records and Accounting Procedures,” and Section 17.5, “Report of Expenditure,” of the *Local Assistance Procedures Manual* and Section 5-007, “Federal Highway Administration Involvement in Contract Administration,” of the *Construction Manual*. These procedures outline a clear and easy-to-follow trail for the total quantity paid from the current amount back to the first measurement or calculation for each contract item.

For other projects, the resident engineer must follow the local agency procedures.

The resident engineer and staff must follow the procedures in this chapter to provide quality control and quality assurance for the construction contract for portions of the work within existing or future state right-of-way.

This chapter is not a substitute for the local agency's thorough understanding of the work, the contract specifications governing that work, and the recruitment and retention of sufficiently trained and experienced staff to administer the contract.

Each technical aspect is addressed by the nature of the work, the actions to be taken in advance of the work, the actions to be taken during the course of the work, and requirements for the proper measurement and payment for the work.

This chapter covers Sections 10-95 of the Caltrans *Standard Specifications* with the exception of Sections 49, 50, 55, and 59. The Caltrans *Bridge Construction Records and Procedures Manual* covers those sections.

The intent of the chapter is to provide guidance to the resident engineer and staff in the areas of inspection, measurement, and payment for the various contract items. In addition, the chapter provides guidance for administering the technical requirements of the *Standard Specifications*.

### Section 5-0 Control of the Work

#### 5-001 The Resident Engineer's Pending File

It is recommended, but not required, that local agencies and private entities use the information and procedures provided in this section.

#### 5-002 Preconstruction Conference with Caltrans Personnel

The resident engineer should follow the procedures in this section of the *Construction Manual* with one exception. Instead of meeting with Caltrans personnel, the resident engineer should meet with the local agency project-development personnel. Before the preconstruction conference with the contractor, the resident engineer must meet with the Caltrans oversight engineer assigned to the project. The name and phone number of the oversight engineer is usually listed on the encroachment permit. It is recommended that the resident engineer contact the oversight engineer well in advance of the start of work to ensure that the oversight engineer has time to confirm the attendance of Caltrans personnel at the meeting. The encroachment permit includes the minimum time required to notify the oversight engineer before the start of work. The resident engineer should meet with the local agency project engineer, consultant, and other appropriate parties to review and discuss the project. The oversight engineer is also invited to these meetings.

#### 5-003 Preconstruction Conference with the Contractor

The resident engineer must hold a preconstruction conference with the contractor as outlined in this section. The oversight engineer must be invited to attend the meeting.

#### 5-004 The Resident Engineer's Daily Report

The resident engineer must follow the procedures outlined in this section of the *Construction Manual* with the exception that Form CEM-4501, "Resident Engineer's Daily Report/ Assistant Resident Engineer's Daily Report," need not be used if the local agency has an acceptable alternative.

#### 5-005 Assistant Resident Engineer's Daily Report

The resident engineer must follow the procedures outlined in this section of the *Construction Manual* with the exception that Form CEM-4601, "Assistant Resident Engineer's Daily Report," need not be used if the local agency has an acceptable alternative.

#### 5-006 Maintenance Reviews

The oversight engineer is responsible for communication with Caltrans maintenance.

The resident engineer is responsible for scheduling a final field review with the oversight engineer. The review must be conducted before contractor acceptance of the project. The review should include identification of all items required to comply with the National Pollutant Discharge Elimination System general construction and project-specific permit, final soil stabilization requirements, and permanent stormwater treatment controls. For all work within the proposed state right-of-way, final soil stabilization and permanent stormwater treatment controls must be completed before acceptance of the project by Caltrans, even if these features are not addressed by the original contract.

### **5-007 Federal Highway Administration Involvement in Contract Administration**

The resident engineer on “N” projects is responsible for keeping the FHWA engineer informed of events requiring FHWA involvement. Contact is initiated first through the oversight engineer until direct FHWA contact by the resident engineer is approved by the FHWA engineer.

## **Section 5-1 Project Records and Reports**

### **5-101 Forms Used for Contract Administration.**

The resident engineer must follow the procedures outlined in this section and must use Caltrans forms in this section except as noted below:

- Form CEM-2701, “Weekly Statement of Working Days”—the resident engineer may use a local agency form.
- Form CEM-2702, “Overrun in Contract Time”—not required for local agency sponsored projects as Caltrans does not approve “director days” on oversight projects. Although, documentation of “director day” extension equivalents is required within the project records.
- Form CEM-4501, “Resident Engineer’s Daily Report/Assistant Resident Engineer’s Daily Report,” and Form CEM-4601, “Assistant Resident Engineer’s Daily Report”—the resident engineer may use local agency forms.
- Form CEM-4801, “Quantity Calculations,” through Form CEM-9001, “Construction Manual Proposed Change”—the resident engineer may use local agency forms.
- Form CEM-0601, “Construction Safety Report”—use of this report is optional, provided the agency has alternative procedures and processes to fully comply with health and safety orders.
- Forms CEM-2401, “Substitution Report for Disadvantaged Business Enterprise, Disabled Veteran Business Enterprise,” through Form CEM-2509, “Checklist–Source Document Review,” are optional, provided that the local agency has developed its own forms and procedures to comply with the *Local Assistance Procedures Manual*. The only mandatory form is Form 2402(F), “Final Report–Utilization of Disadvantaged Business Enterprises



(DBE), First-Tier Subcontractors,” the same form required in the *Local Assistance Procedures Manual*.

- Form CEM-2601, “Construction Progress Chart”—usage optional.

The Caltrans Division of Local Assistance produces compact disks that have electronic copies of the forms. Information about obtaining compact disks is available at:

<http://www.dot.ca.gov/hq/LocalPrograms/lam/LApubsCD.htm>

## **5-102 Organization of Project Documents**

The resident engineer must use the Caltrans uniform filing system for all projects that will be within the existing or proposed state right-of-way. Not all categories listed may be applicable to a project being administered by a local agency. Categories that are not applicable may include the following:

CATEGORY 1	Required usage is limited to Form CEM-0101, “Resident Engineer’s Report of Assignment,” and the personnel roster, although the resident engineer may file other documents as indicated.
CATEGORIES 2, 3, 4	May not be applicable.
CATEGORIES 16 and 17	Are not applicable if the local agency uses alternative procedures.
CATEGORY 28	May not be applicable.

The resident engineer should discuss with the oversight engineer the appropriate level of project documentation and organization of the project records. Early agreement between the resident engineer and oversight engineer will help to ensure that the project records are adequate to administer the contract, will withstand an audit, and will preserve funding participation.

## **5-103 The Contract Administration System**

This section does not apply to the local agency.

## **5-104 Final Construction Project Records**

The resident engineer is responsible for providing the oversight engineer with the as-built plans described in Section 5-104 (D) of the *Construction Manual*. The as-built plans must be stamped “as-built,” signed by the local agency, and in compliance with the specific requirements of the cooperative agreement and encroachment permit. If the construction contractor has been charged with the responsibility for the as-built plans through the construction contract, the resident engineer is advised to exercise the performance bond for the project until an acceptable set of as-built plans is received.

Other required project records that must be provided to the oversight engineer upon completion of the project are defined in the cooperative agreement, the encroachment permit, and other areas of this supplement.

The local agency must retain and maintain project records for the duration identified in Section 5-104 (C), “Disposition of Construction Project Records,” of the *Construction Manual*.

## **Section 5-2 Funds**

This section applies only to Caltrans advertised, awarded, and administered projects. The resident engineer should refer to Chapter 3, “Project Authorization, Processing,” of the *Local Assistance Procedures Manual*, the *Local Assistance Program Guidelines* for local federal-aid fund requirements, and the *Implementing Agency Responsibilities on State Highway Projects*.

## **Section 5-3 Contract Change Orders**

### **5-301 General through 5-307 Contract Change Order Memorandum**

These sections of the *Construction Manual* do not apply. Resident engineers prepare all contract change orders in accordance with their local agency procedures. The designer of record must review and concur with design changes. Engineered changes subject to the California Professional Engineers Act must be stamped and signed by a professional engineer licensed in California. Though the oversight engineer is available to assist and facilitate Caltrans reviews and acceptances of design conflict resolutions, Caltrans is not responsible for resolving design conflicts or for preparing contract change orders.

### **5-308 Federal Highway Administration Contract Change Order Requirements**

The resident engineer must follow the procedure outlined in this section of the *Construction Manual* and requirements outlined in Section 16.13, “Contract Change Orders,” of the *Local Assistance Procedures Manual*. All communication with the FHWA is normally done through the oversight engineer. The FHWA may approve direct communication in advance at the preconstruction meeting or during the course of the project as conditions warrant.

When a change requires FHWA approval, that approval must be obtained before proceeding with the change. A contract change order may be rejected by the FHWA if approval was not obtained before the work and before execution of the contract change order. Such a contract change order would likely result in being determined ineligible for federal funding reimbursement.



### **5-309 Fund Segregation Determination and 5-310 Locally Funded State Highway Projects**

These sections of the *Construction Manual* do not apply. The resident engineer follows local agency procedures.

### **5-311 Contract Change Order Approval**

The oversight engineer will review all contract change orders related to public safety, public convenience, and design or specification changes for work within the existing or proposed state's right-of-way as outlined in the cooperative agreement and the encroachment permit. The resident engineer must obtain the oversight engineer's concurrence before allowing the contractor to perform the work, except for work that must address an immediate safety concern.

### **5-312 Copy Distribution**

The resident engineer must send copies of all executed contract change orders and memorandums (backup information) to the oversight engineer. The oversight engineer handles distribution within Caltrans. Responsibility for sending copies to FHWA for "N" projects, which are subject to full FHWA oversight, is determined at the preconstruction conference with FHWA. Responsibility for sending copies to FHWA can change during the life of the project.

### **5-313 Cost Reduction Proposals and 5-314 Examples of Contract Change Orders**

These sections of the *Construction Manual* do not apply. The resident engineer follows local agency procedures.

## **Section 5-4 Disputes**

This section of the *Construction Manual* does not apply to local agency projects. The resident engineer follows local agency procedures. If the local agency uses Caltrans' *Standard Specifications*, the resident engineer must administer the contract and address disputes in accordance with the *Standard Specifications* and the contract's special provisions.

Caltrans *Construction Manual* Section 5-4, "Disputes," provides a discussion on good practices to administer construction disputes. Contractor notices of potential claims, protests, dispute review boards, and partnering are discussed under this section. Caltrans personnel will not be used to resolve construction disputes, unless otherwise agreed upon in the cooperative agreement or the encroachment permit.

The resident engineer must notify and provide the oversight engineer with the current list of notices of potential claim as each notice is received. When the project is a full oversight "N" federal-aid project, the resident engineer must also send copies of the notice of potential claim list to the FHWA engineer as outlined in Section 5-308, "Federal Highway Administration Contract Change Order Requirements," of the *Construction Manual*.



The cooperative agreement may require the local agency to provide an administrative claim resolution process that is acceptable to Caltrans. The local agency must process claims through its own process. The claims process outlined in Section 5-4, “Disputes,” of the *Construction Manual* may be used as a prototype for the essential elements of a local agency administrative claim process. Local agency personnel or consultants rather than the oversight engineer or other Caltrans personnel must be used to develop and administer this process.

The oversight engineer may provide advice and technical input in any claim process if requested by the resident engineer. The cooperative agreement outlines the basis for participation in settling claims that involve state funds for the project. All resolutions to construction claims, whether justified by entitlement, settlement, or legal action, require concurrence by the oversight engineer for federal-aid projects. Prior approval from the FHWA engineer is required for federal participation in any claim settlement for “N” projects. The resident engineer’s failure to obtain approval for a claim settlement before paying the contractor can result in the claim settlement not being eligible for federal funding.

## **Section 5-5 Emergency Contract Administration**

This section of the *Construction Manual* does not apply to local agency projects. The resident engineer follows local agency procedures.

### Section 6-1 Sample Types and Frequencies

#### 6-101 General and 6-102 Types of Sampling and Testing

The resident engineer is responsible for ensuring that sampling and testing of materials or products and quality of work are in strict accordance with the contract provisions, the encroachment permit, the cooperative agreement, and this section. Initial material sampling, initial material testing, calibration of contractor and consultant equipment, scale and material production plant certification, oversight of the contractors quality-control testing, and resident engineer quality assurance and acceptance testing are all the responsibility of the local agency.

The resident engineer must verify and use only sampling and testing personnel certified by Caltrans. The resident engineer must verify and accept only test results from the local agency or consultant laboratories accredited by Caltrans in accordance with Caltrans *Independent Assurance Manual*. Caltrans independent assurance sampling, Caltrans independent assurance testing, FHWA sampling, FHWA testing, and special sampling and testing initiated by Caltrans or FHWA are Caltrans' responsibility. These requirements may be modified by the cooperative agreement or the encroachment permit.

Specialty tests as noted in Section 6-102F, "Special Samples and Tests," of the *Construction Manual* may be conducted by Caltrans for unanticipated issues, unique circumstances, or special requirements that develop after construction has begun. Acceptance tests are performed for all materials that will be incorporated into the work. Limited availability of laboratories to conduct routine acceptance tests does not constitute a reclassification of a routine acceptance test to specialty test status. It is an acceptance test if the test must be performed to ensure that the material or the construction process meets the requirements of the contract.

#### 6-103 Acceptance Records and 6-104 Test Result Summary

The resident engineer must retain records of all samples and tests, prepare a summary of all sampling and testing conducted on the project, and document actions taken to resolve unsatisfactory test results. This information must be filed in the project files. The resident engineer establishes the materials testing files in accordance with Section 5-102, "Organization of Project Documents," for Category 37, "Initial Tests and Acceptance Tests," of the *Construction Manual*.

Each subcategory of Category 37 must have a testing results summary to track acceptance testing for each item of work. In the testing results summary, corrective actions or retesting tests for all failed tests must be noted in the "Remarks" column of the form.

The resident engineer's use of Form CEM-3701, "Test Result Summary," or test summary logs facilitates the tracking of adequacy and frequency of material sampling and testing. The logs also make the oversight engineer's review of material sampling and testing more efficient.

The Materials Testing Process flow chart (Figure 6-103.1) shows the materials testing and acceptance process that the resident engineer must use to assure that materials used in the work comply with the contract provisions, cooperative agreement, and encroachment permit.

### **6-105 Field Tested Materials Sample Identification**

Do not use this section unless some of the materials testing will be performed by a Caltrans testing facility. The resident engineer uses local agency procedures and forms to ship samples to a non-Caltrans testing facility.

### **6-106 Contractor Requested Sampling and Testing from Local Deposits**

This section does not apply. The resident engineer follows local agency procedures.

### **6-107 Shipping of Samples**

If Caltrans performs the testing, the resident engineer must provide a copy of the contract plans and specifications to Materials Engineering and Testing Services (METS) along with the CEM-3101, "Notice of Materials to be Used" (METS does not automatically receive copies, so the resident engineer must provide them).

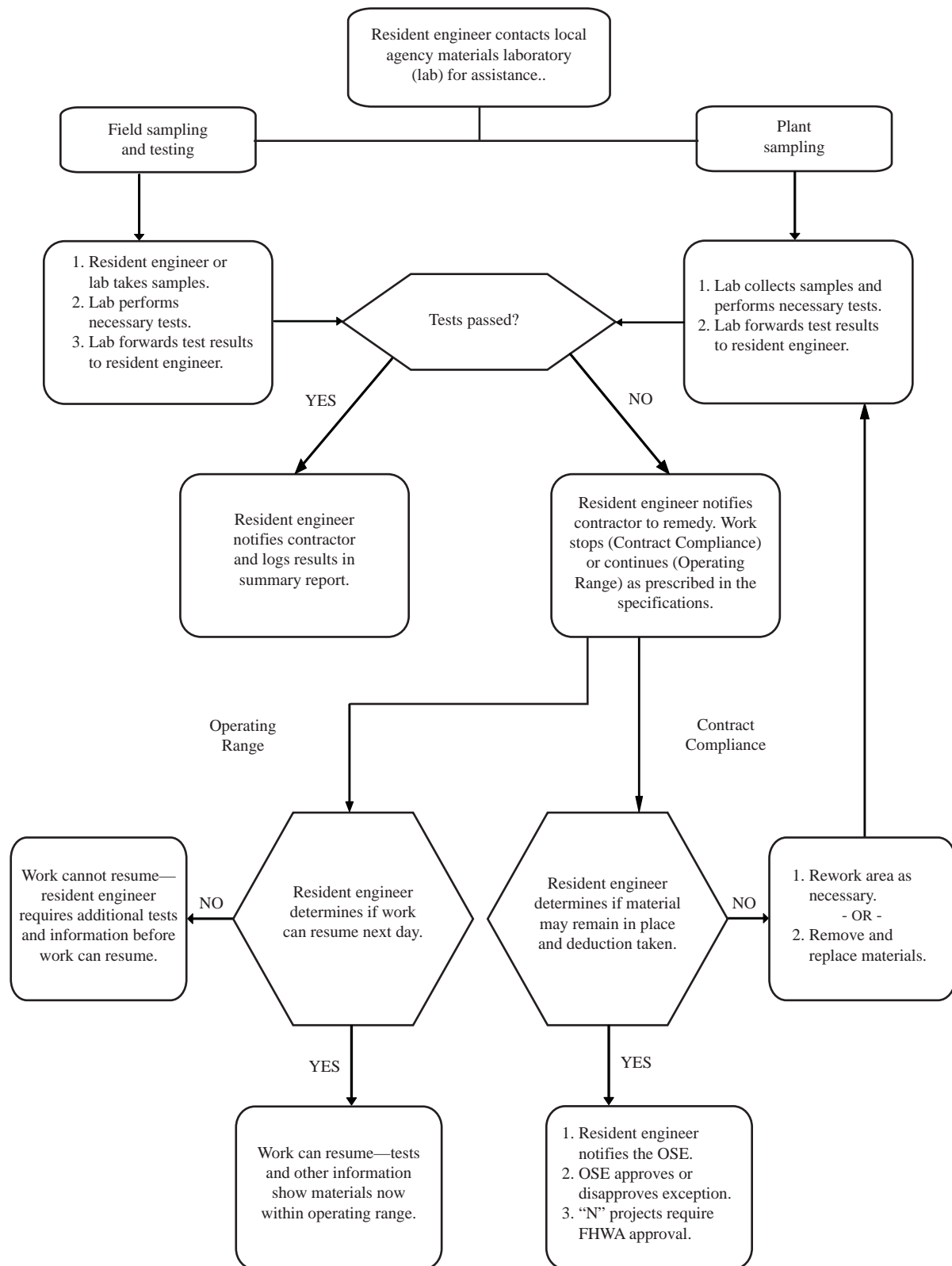
### **6-108 Project Certification**

The resident engineer must complete and sign the materials certification memorandum upon completion of the project. The memorandum is submitted to the oversight engineer who is responsible for forwarding it to the FHWA for "N" projects.

### **6-109 Materials**

The resident engineer must follow the procedures outlined. The resident engineer may also use the frequency table in the local agency approved quality assurance program if their quality assurance program meets or exceeds Caltrans' requirements.

**Figure 6-103.1 Materials Testing Process**



## **Section 6-2 Acceptance of Manufactured Material and Sampling Methods**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. The oversight engineer determines if the resident engineer should coordinate requests through the oversight engineer to METS or contact METS directly.

### **6-202B (1) Source Inspection**

When the local agency advertises, awards, and administers the project, the resident engineer provides METS with a full set of the contract plans and specifications at the same time as the first Form CEM-3101, “Notice of Materials to be Used,” is submitted.

Plant inspection for asphalt concrete and portland cement concrete is considered a contract acceptance, sampling, and testing task that is the responsibility of the local agency; it is not a source inspection activity done by Caltrans unless identified in the cooperative agreement.

### **6-202B (5) Assignment to Resident Engineer**

METS may assign the inspection of products to the local agency resident engineer through the use of Form TL-0028, “Notice of Materials to be Inspected.” The resident engineer will release these materials at the jobsite through the use of Form CEM-4102, “Material Inspected and Released on Job.” Section 6-3, “Field Tests,” of the *Construction Manual* contains details about the process.

### **6-202D The Resident Engineer**

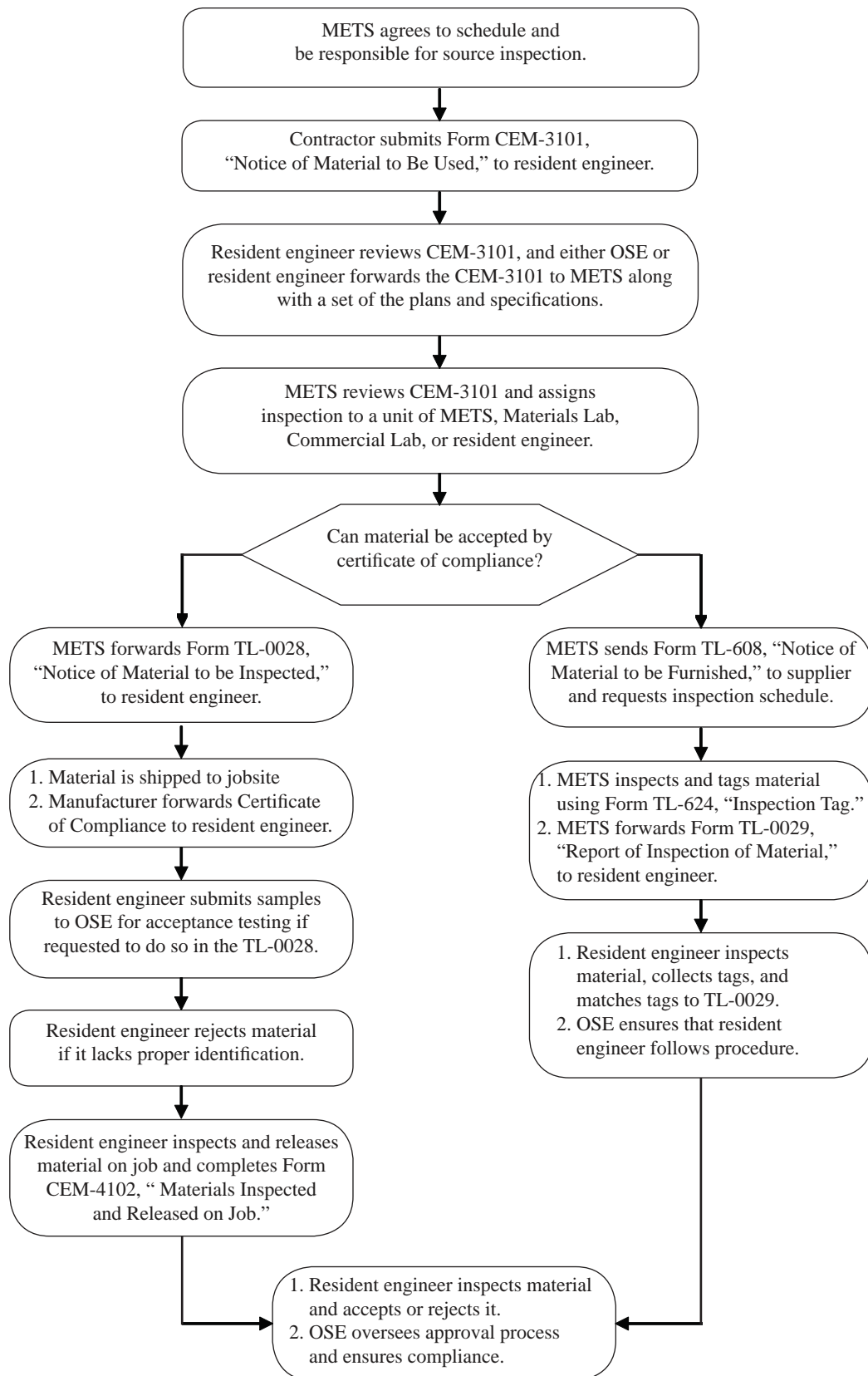
The resident engineer must ensure that the contractor submits Form CEM-3101, “Notice of Materials to be Used.” The timely, accurate, and complete submittal of Form CEM-3101 can prevent project delays. Both METS and the resident engineer share the responsibility for inspection. However, the resident engineer has sole responsibility for the acceptance of materials.

The Material Control Flow Chart (Figure 6-202D.1) summarizes the process and forms to be used, but instructions in Section 5-102, “Organization of Project Documents,” of the *Construction Manual* must be followed. It is important that each of the forms is filed in the appropriate categories.

## **Section 6-3 Field Tests**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*. Field laboratories and equipment are the responsibility of the local agency unless otherwise provided in the cooperative agreement.

**Figure 6-202D.1 Material Control**



## Section 7-1 Environmental Rules and Requirements

### 7-101 General, 7-102 Environmental Commitments Record, and 7-103 Protection of Environmental Resources

The resident engineer must follow the procedures outlined. The local agency is responsible for ensuring that all duties outlined for Caltrans employees are performed by the agency.

#### 7-103D (2) Surface Mining and Reclamation Act

The provisions of the Surface Mining and Reclamation Act of 1975 (SMARA) apply only to “state-sponsored” projects. Projects that are funded primarily (over 50 percent) with state funds and the state apportionment of federal funds, such as the State Transportation Improvement Program and State Highway Operation and Protection Program, are considered “state-sponsored,” even if the local agency advertises, awards, and administers the project. The resident engineer must follow the procedures outlined in this section of the *Construction Manual* if the project is “state-sponsored.”

“Locally-sponsored” projects are not subject to the provisions of SMARA, since the state is not the agency purchasing or using the material. Projects that are funded primarily (over 50 percent) with local funds from gas tax, developer fees, sales tax, or other local funding sources, or the local agency apportionment of federal funds such as Congestion Mitigation and Air Quality Improvement Program, local Surface Transportation Program, and set-aside (also known as “DEMO”), are considered “locally-sponsored.”

#### 7-103D (3) and (4) Other Contractor Use of the State Right-of-Way and Contractor Use of Areas Outside of the State Right-of-Way

The resident engineer must obtain concurrence from the oversight engineer before granting contractor use of Caltrans-owned parcels not designated by the cooperative agreement or the encroachment permit. The resident engineer’s written request for oversight engineer approval to use the state right-of-way must include:

- The Disposal, Staging, and Borrow Sites submittal.
- The execution of an encroachment permit by the Caltrans district encroachment permit engineer.
- The execution of a fair market rental agreement with Caltrans.
- The contractor's plan to maintain the area in question in a neat and presentable condition.
- Revisions to the water pollution control plan (WPCP) or stormwater pollution prevention plan (SWPPP), whichever is applicable.





- Concurrence from the project engineer and all required environmental consultants and outside agencies or entities.
- Environmental clearance and copies of all permits required for the proposed use of the state right-of-way.

#### **7-104 Air, Water, and Noise Pollution Control**

The resident engineer must follow the procedures outlined in this section and in Caltrans Statewide Storm Water Management Plan (SWMP). The local agency is responsible for assuming all duties outlined for Caltrans employees in this section, except for the district construction storm water coordinator and district environmental construction liaison.

Caltrans will continue to perform the role of district construction storm water coordinator as defined in this section of the *Construction Manual*, excluding training of the local agency. The cooperative agreement requires the local agency to provide qualified field staff for the administration of the project. Construction contract special provisions usually require the completion of 24 hours of training in SWPPP and WPCP for the preparer of the SWPPP and the contractor's water pollution control manager. This minimum training qualification is equally applicable to the resident engineer and staff.

Before resident engineers approve the contractor's SWPPP or WPCP, they must obtain the concurrence of the oversight engineer. This review process is first discussed with the oversight engineer during the preconstruction meeting to ensure timely response later.

The local agency and its contractor will be subject to Caltrans stormwater compliance audits and reviews as described in the SWMP. These audits and reviews often complement the resident engineer's SWPPP quality-assurance efforts and may be useful to motivate contractor compliance with all contractual and SWPPP requirements.

The resident engineer must submit the following completed documents to the oversight engineer:

- The notice of intent before the start of construction
- An approved SWPPP or WPCP before the start of construction
- An annual SWPPP certification
- The notice of termination upon construction completion

#### **7-105 Permits**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*.

## **7-106 Environmental Hazards and Safety Procedures**

The resident engineer must follow the procedures outlined in this section of the *Construction Manual*.

Responsibility for hazardous waste and contamination found within the project limits are outlined in the cooperative agreement. The resident engineer must coordinate contact with the district hazardous waste coordinator through the oversight engineer. The local agency is responsible for providing hazardous materials training to the resident engineer and staff. The resident engineer may not use Caltrans emergency waste contracts to address hazardous and contaminated materials issues unless specifically provided for by the cooperative agreement or encroachment permit.

## **7-107 Hazardous Spills**

The resident engineer must follow the procedures outlined, except the resident engineer will contact the oversight engineer. The oversight engineer will contact the district hazardous material manager.

## **7-108 Certification of Environmental Compliance**

The resident engineer is responsible for preparing and signing the Certificate of Environmental Compliance (CEC). Local agency environmental staff, consultants, and the project manager also sign the CEC. The oversight engineer and Caltrans personnel involved in environmental and project management oversight of the environmental requirements will also sign the CEC.

## **7-109 Solid Waste Disposal and Recycling Reporting**

If the contract contains special provision for solid waste disposal and recycling reporting, the resident engineer is responsible for obtaining the reports from the contractor, reviewing the reports for accuracy, and submitting the reports to the oversight engineer.

If the contract does not contain this special provision for the contractor to prepare the solid waste disposal and recycling report, this section of the *Construction Manual* is not applicable.

The oversight engineer distributes the solid waste disposal and recycling report to the district recycling coordinator.

### Section 8-1 Labor Compliance

It is optional for the resident engineer and the local agency to follow the procedures outlined in this section of the *Construction Manual*. The local agency must establish guidelines and procedures for administering labor compliance provisions to the contract. The California Labor Code; the Code of Federal Regulations, Title 29, Part 5; and regulations of the Federal Highway Administration and the United States Department of Labor provide the basis for contract administration protocol and the statutory authority to enforce labor compliance contract provisions.

If the local agency uses the guidance of this section, all administrative, investigation, and case preparation duties of Caltrans employees must be performed by local agency staff or consultants. For federal-aid contracts, the local agency must designate a labor compliance officer, separate from the resident engineer, in accordance with Section 16.11, “Labor Compliance,” of the *Local Assistance Procedures Manual*.

For non-federally funded projects, the local agency may designate the resident engineer as the labor compliance officer. Under this situation and if the local agency is not an approved labor compliance program by the California Labor Commission, the local agency must work directly with the Department of Industrial Relations Division of Labor Standards and Enforcement to prepare and process labor compliance actions.

### Section 8-2 Equal Employment Opportunity

The resident engineer and the local agency must follow the procedures outlined in this section of the *Construction Manual*. The Caltrans district labor compliance officer will only assist the oversight engineer in providing independent quality assurance to verify local agency compliance.

### Section 8-3 Disadvantaged Business

For federal-aid contracts, the resident engineer and the local agency must follow the procedures outlined. For federal-aid contracts, the local agency must designate a Disadvantaged Business Enterprise Program liaison officer in accordance with Section 9.4, “Local Agency DBE Program,” of the *Local Assistance Procedures Manual*. The Disabled Veteran Business Enterprises requirements do not pertain to oversight projects. Caltrans Office of Civil Rights and Division of Construction will assist only the oversight engineer in providing independent quality assurance to verify local agency compliance. The local agency will use its own staff for removal or substitution hearings.

## **Chapter 9** **Projects Funded by Other Agencies**

This chapter provides guidance only to Caltrans personnel. Local agency resident engineers should not refer to this chapter for guidance.



